

IN RE: PETITION FOR ADMIN. VARIANCE
W/S Lawrence Hill Road, 241.59' N
of the c/l of Clifford Road
(8610 Lawrence Hill Road)
11th Election District
5th Councilmanic District
Francis S. Baldeo-Lindsay, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-456-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance filed by the owners of the subject property, Francis S. and Sandra R. Baldeo-Lindsay. The Petitioners request relief from Sections 504 and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section V.B.6.b of the Comprehensive Manual of Development Policies (C.M.D.P.)) to permit a rear yard setback of 2 feet in lieu of the minimum required 11.25 feet and to amend the final development plan of Lawrence Hill, Phase 1B of White Marsh, for a proposed open deck, as more particularly described on Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of

Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of July, 1993 that the Petition for Administrative Variance from Sections 504 and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section V.B.6.b of the Comprehensive Manual of Development Policies (C.M.D.P.)) to permit a rear yard setback of 2 feet in lieu of the minimum required 11.25 feet and to amend the final development plan of Lawrence Hill, Phase 1B of White Marsh, for a proposed open deck, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

July 22, 1993

(410) 887-4386

Mr. & Mrs. Francis S. Baldeo-Lindsay
8610 Lawrence Hill Road
Perry Hall, Maryland 21128

RE: PETITION FOR ADMINISTRATIVE VARIANCE
W/S Lawrence Hill Road, 241.59' N of the c/l of Clifford Road
(8610 Lawrence Hill Road)
11th Election District - 5th Councilmanic District
Francis S. Baldeo-Lindsay, et ux - Petitioners
Case No. 93-456-A

Dear Mr. & Mrs. Baldeo-Lindsay:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

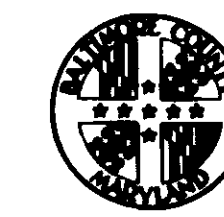
Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel

File



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 8610 LAWRENCE HILL RD PERRY HALL MD 21128
which is presently zoned DC-5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) Sec. 504 (V.B.6.b., CMF) & 301.1.A of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty.)
Background of above listed home measures only 14ft wide. If built under present guidelines, our deck would be 4ft wide which is neither functional or reasonable. However, with the variance, a reasonable 12ft deck could be built entirely on owner's lot.
Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Correct Purchaser/Leasee
(Type or Print Name)
Signature
Address
City State Zipcode
Attorney for Petitioner
(Type or Print Name)
Signature
Address Phone No.
City State Zipcode

Who do I submit my petition and affidavit, under the penalties of perjury, that I am the legal owner(s) of the property which is the subject of the Petition?

Legal Owner(s)
(Type or Print Name)
Signature
Address
City State Zipcode

FRANCIS STEPHEN BALDEO-LINDSAY
SANDRA ROSLYN BALDEO-LINDSAY
VANDRA R. BALDEO-LINDSAY

8610 LAWRENCE HILL RD 410934-5150/5150-120
PERRY HALL MD 21128
Name Address and phone number of representative to be contacted

Signature
Address Phone No.
City State Zipcode

A Public Hearing having been requested and/or found to be required, it is ordered, by the Zoning Commissioner of Baltimore County, this 22nd day of July, 1993, that the subject matter of this petition be set for a public hearing, to be held, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be posted.

REVIEWED BY: R.T. DATE: 6-22-93
ESTIMATED POSTING DATE: 7-11-93

Item # 465

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at 8610 LAWRENCE HILL RD.

PERRY HALL MD 21128
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we have the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty.)

We purchased the above listed home with optional French doors for the sole purpose of adding a functional family deck with a backyard of approximately 1/2 acre in width. It becomes impossible to build such a deck without varying the setback building setback. Since our home backs to an open space and the entire deck is still occupied within our boundaries, we do not feel allowing this variation impinges on our neighbors' rights or reasonable access of their own property.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

FRANCIS STEPHEN BALDEO-LINDSAY
SANDRA R. BALDEO-LINDSAY
VANDRA R. BALDEO-LINDSAY

STATE OF MARYLAND, COUNTY OF BALTIMORE, to me, June 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Francis S. Lindsay and Sandra R. Lindsay

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal
6-17-93

My Commission Expires:

RHONDA L. PARKER
Notary Public
Baltimore Co., MD
My Comm. Exps. Aug. 15, 1994

Zoning Description

93-456-A
Zoning Description For 8610 Lawrence Hill Rd Perry Hall MD 21128
Election District 11 Councilmanic District 5

Beginning at a point on the West side of Lawrence Hill Road which is 40 Feet wide at a distance of 241.59 Feet North of the centerline of the nearest improved intersecting street Clifford Road which is 40 Feet wide. Being lot # 11, section # III in the subdivision of Resubdivision Plat of Lawrence Hill Phase 1B of White Marsh as recorded in Baltimore County Plat Book # 54, Folio # 9+10, containing 4560.09 sq ft and 0.105 acres.

ITEM # 465

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 11A Date of Posting: 7/2/93
Posted for: Variance
Petitioner: Francis S. Baldeo-Lindsay, Sandra R. Lindsay
Location of property: 8610 (N/S) Lawrence Hill Rd, 241.59' N of Clifford Rd
Location of Sign: Front Roadway, 2nd Property to be signed
Remarks: None
Posted by: M. E. H. H. H. Date of return: 7/2/93
Number of Signs: 1

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: 9-001-4190
ITEM Number - 465
Taken by - R.T.

#10 - VARIANCE - \$50.00
#80 - SIGN - \$35.00
TOTAL - \$85.00

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

July 12, 1993

Mr. and Mrs. Francis Stephen Baldeo-Lindsay
8610 Lawrence Hill Rd.
Perry Hall, MD 21128

RE: Case No. 465, Item No. 93-456-A
Petitioner: Francis Baldeo-Lindsay, et ux
Petition for Administrative Variance

Dear Mr. and Mrs. Baldeo-Lindsay:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on June 22, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: July 1, 1993

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 449, 451, 452, 463, 464, 465, 466, 469 and 472.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey M. Long*

Division Chief: *Carol K. Kerner*

PK/JL:lw

449.ZAC/ZAC1

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

July 14, 1993

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson *JLP/KAS*
Development Coordinator, DEPRM

SUBJECT: Zoning Item #465 *93-456-A* 7/14
Baldeo-Lindsay Property, 8610 Lawrence Hill Road
Zoning Advisory Committee Meeting of July 6, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

JLP:jbm

BALDEO/TXTSP

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee

Date: July 7, 1993

FROM: Jerry L. Pfeifer, Captain
Fire Department

SUBJECT: July 12, 1993 - Meeting

- #402 - Space shall comply with the 1991 Life Safety Code.
- #456 - No comments
- #462 - No comments
- #463 - Site shall not interfere with Baltimore County's 800 Megahertz Radio Capability.
- #464 - No comments
- #465 - No comments
- #466 - No comments
- #467 - No comments
- #468 - No comments
- #469 - No comments
- #470 - Building shall comply with the 1991 Life Safety Code.
- #471 - Did not receive plan.
- #472 - No comments.

RECEIVED
JUL 8 1993

ZADM

JLP/dal

cc: File

CPS-008

Baltimore County Government
Office of Zoning Administration
and Development Management



COPY (410) 887-3353

111 West Chesapeake Avenue
Towson, MD 21204

JULY 1, 1993

NOTICE OF CASE NUMBER ASSIGNMENT

TO: FRANCIS AND SANDRA BALDEO LINDSAY
8610 LAWRENCE HILL ROAD
PERRY HALL, MD 21128

Re: CASE NUMBER: 93-456-A (Item 465)
8610 Lawrence Hill Road
W/S Lawrence Hill Road, 241 59' W of c/l Clifford Road
11th Election District - 5th Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact with this office regarding the status of this case, should reference the case number and be directed to 887-3353. This notice also serves as a refresher regarding the administrative process.

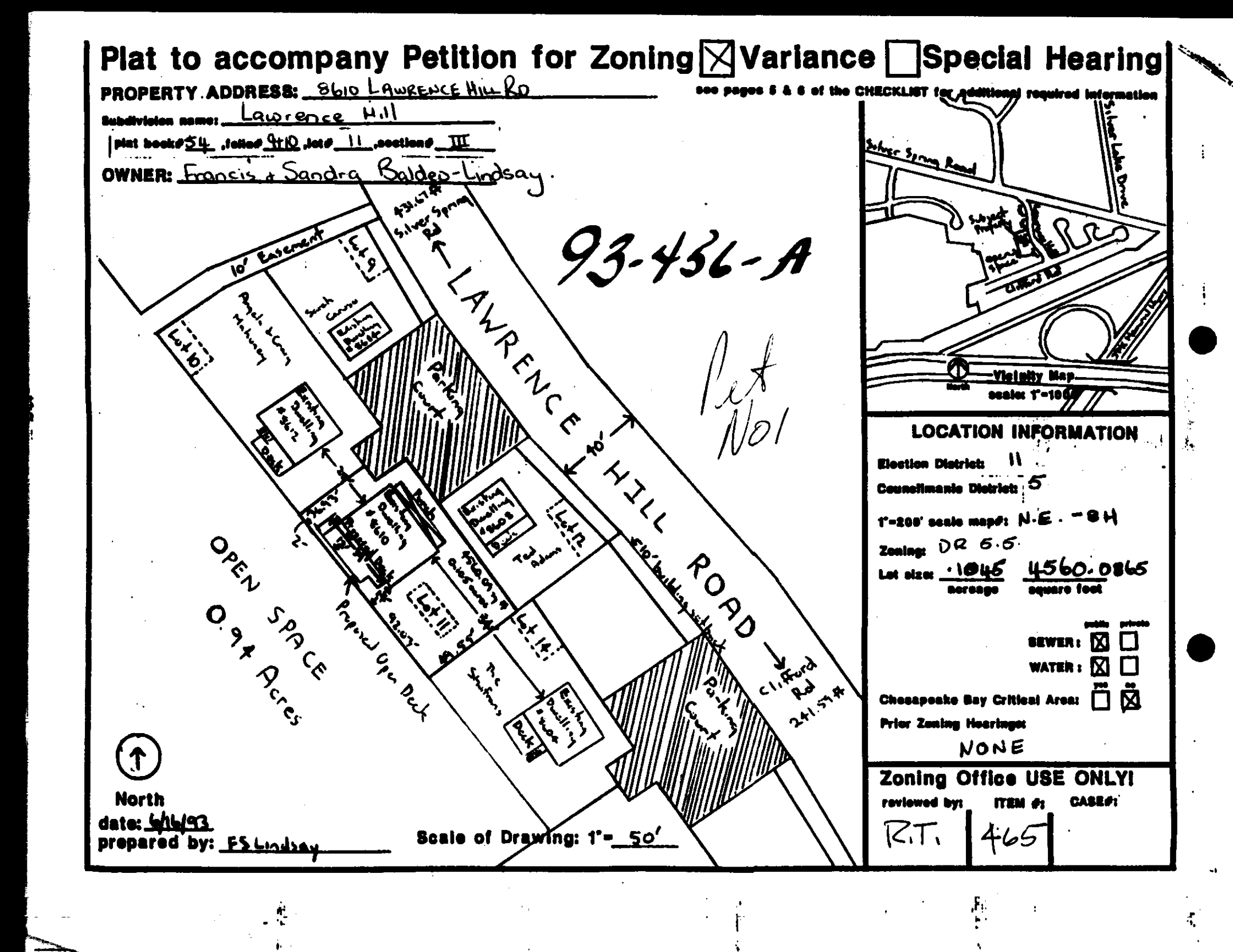
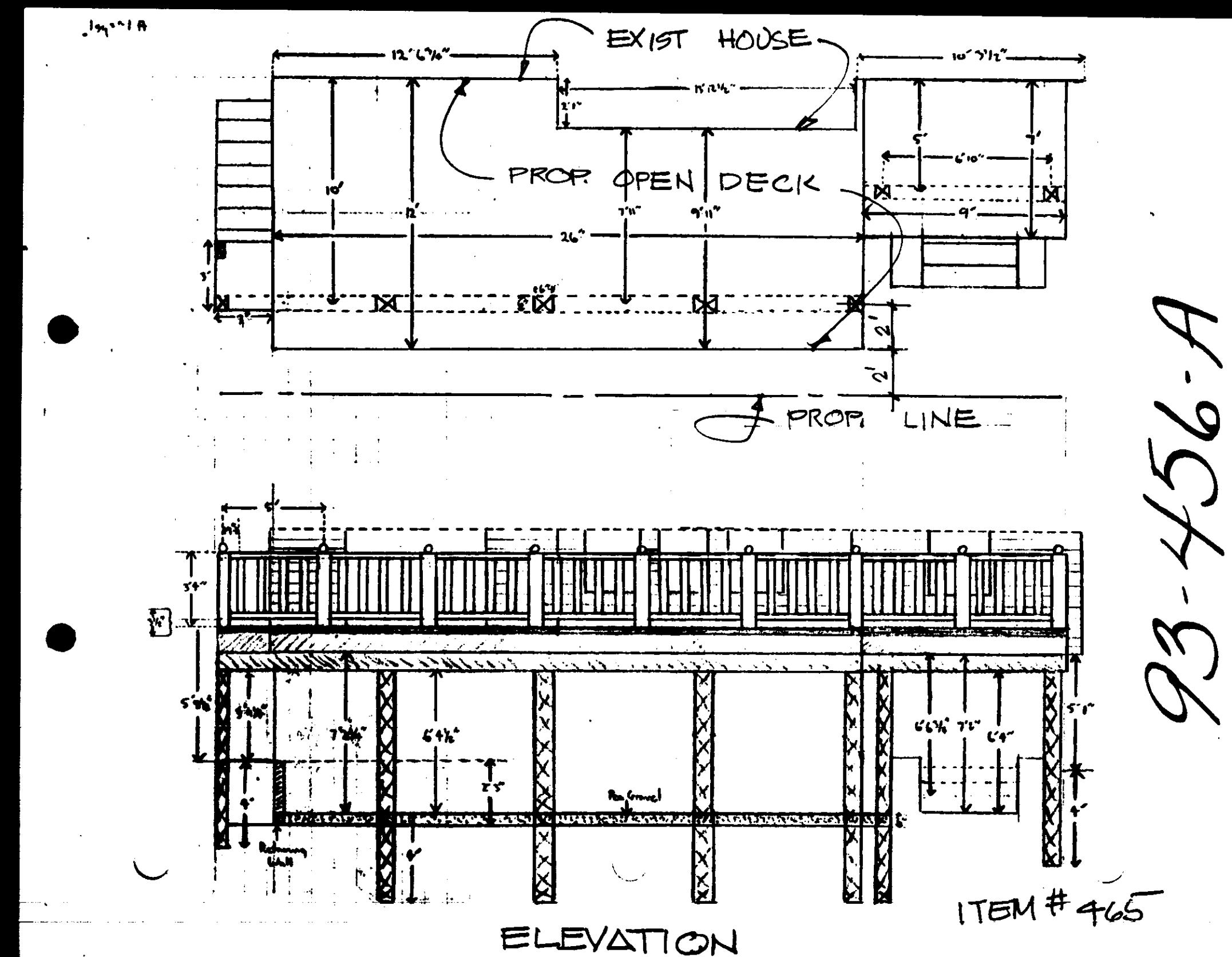
1) Your property will be posted on or before July 4, 1993. The closing date (July 19, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

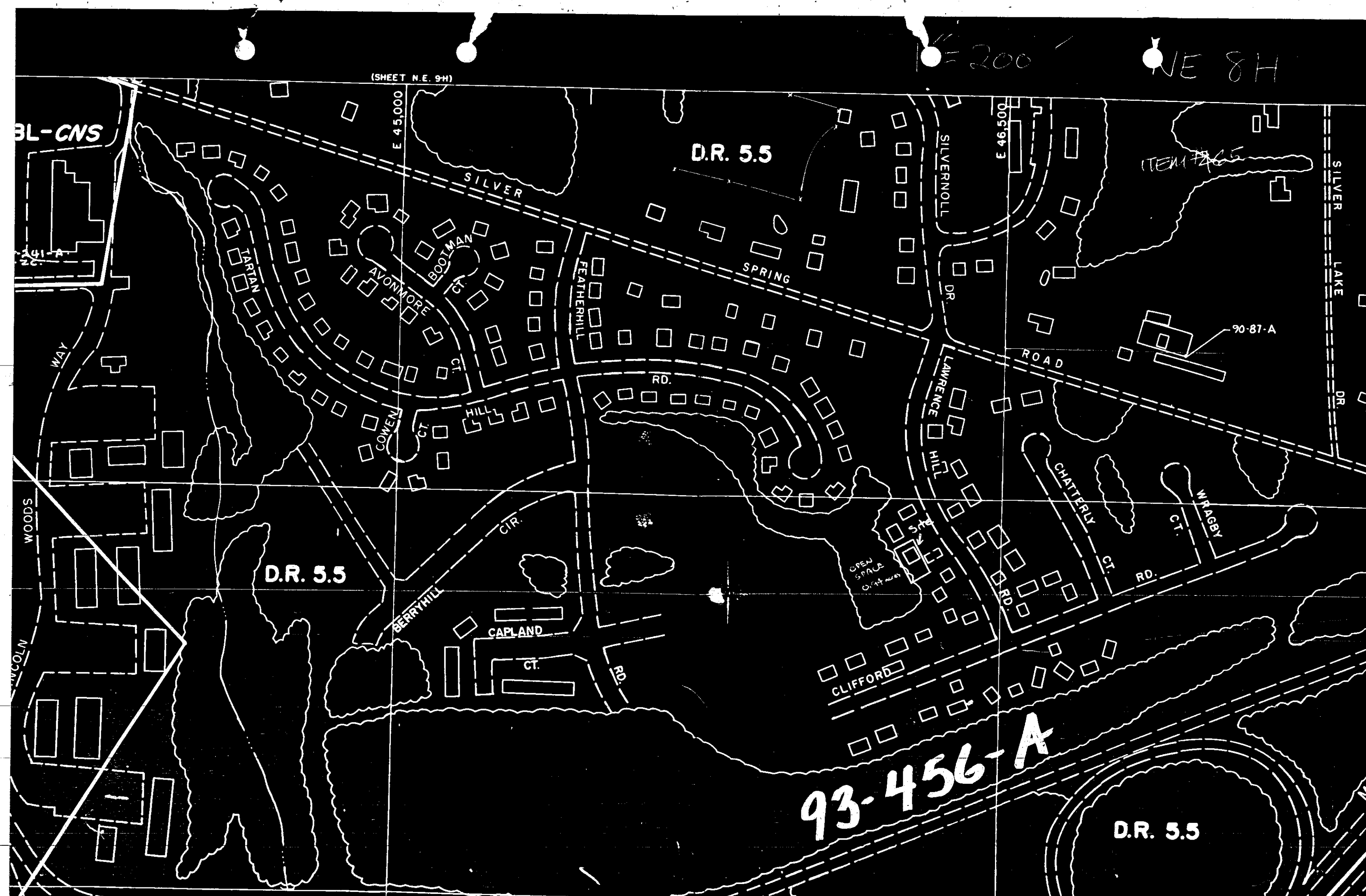
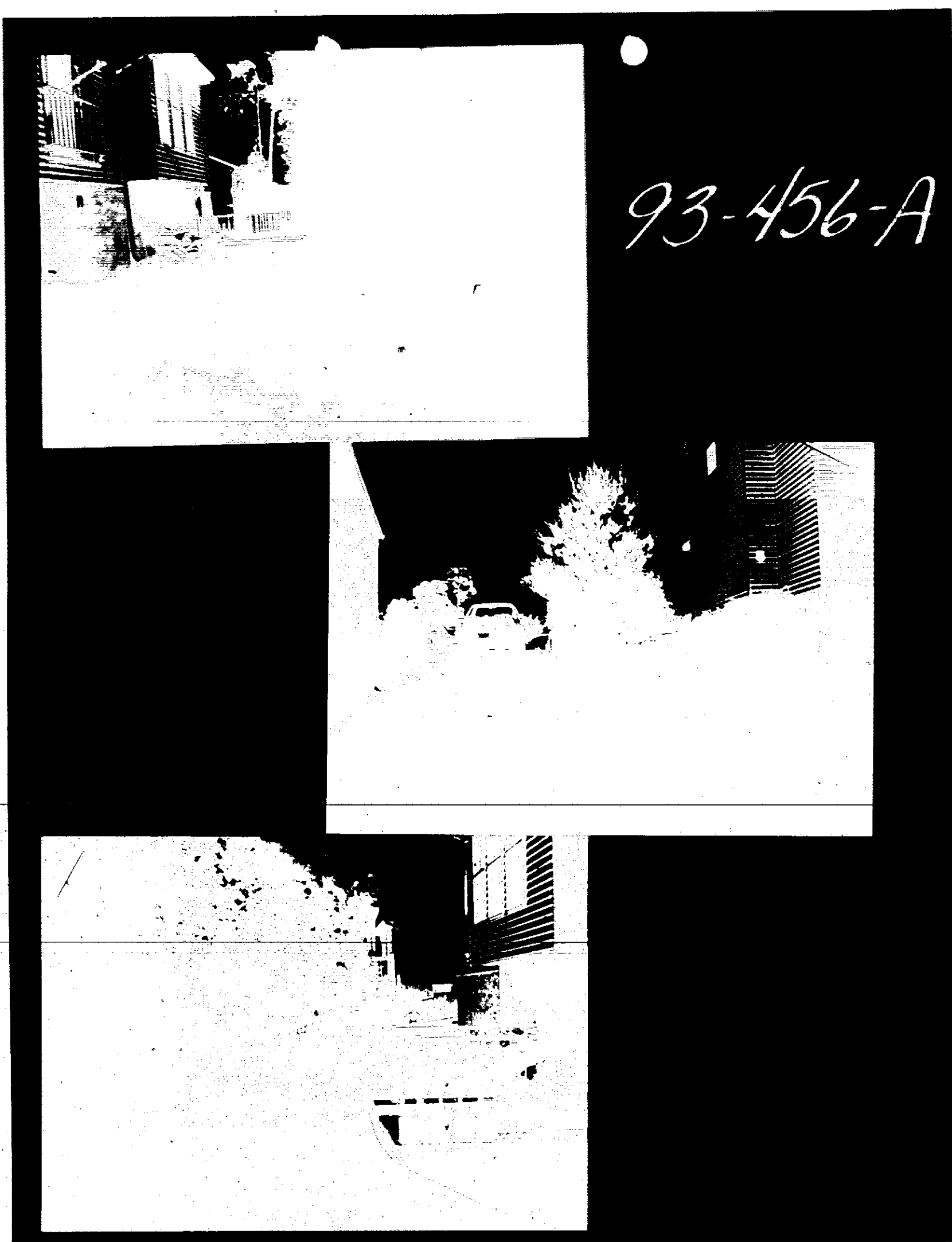
2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

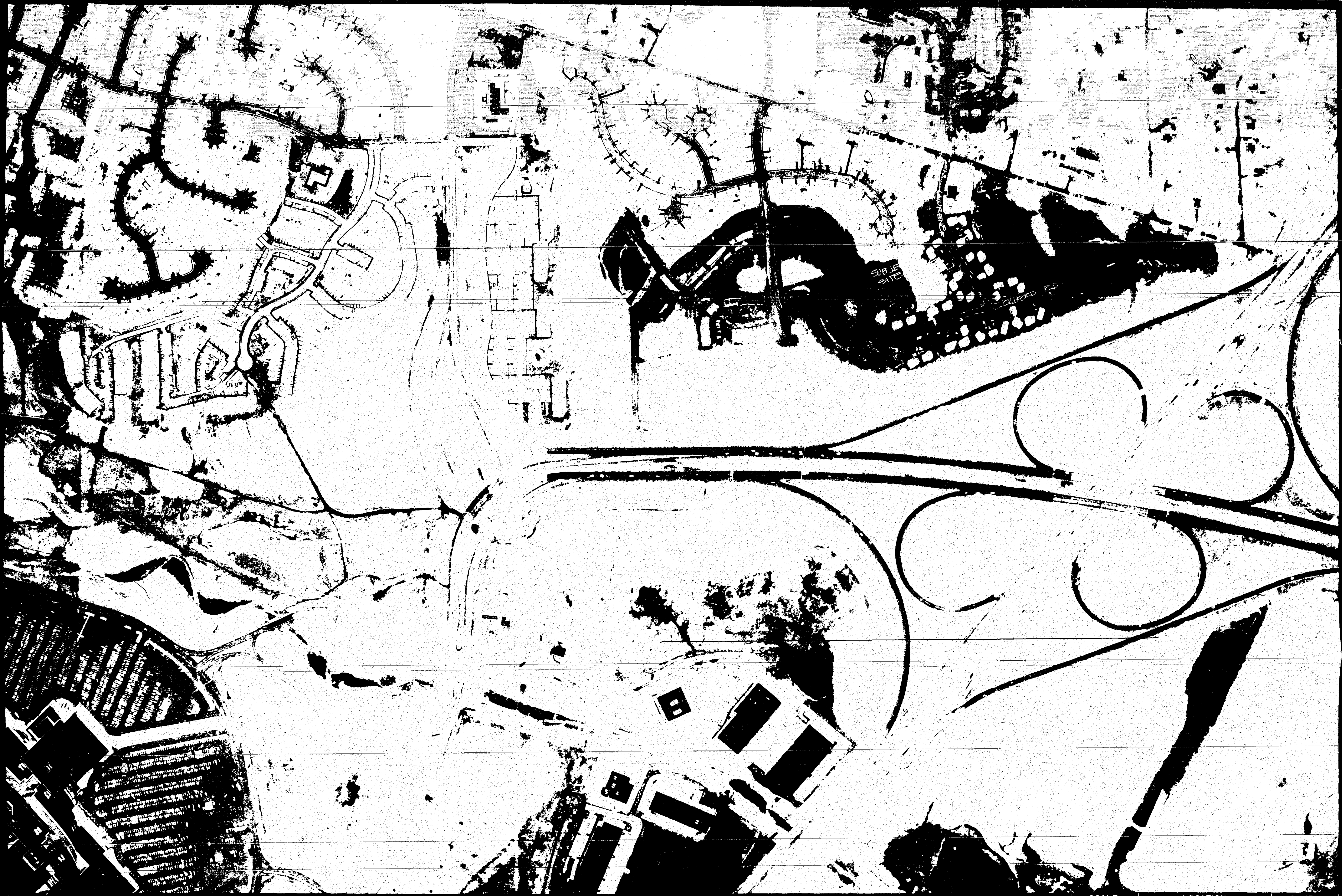
3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon
Director







BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	FULLERTON WHITE MARSH VICINITY	N.E. 8-H
DATE OF PHOTOGRAPHY JANUARY 1986	ITEM # 465	